

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7045 of 1999

with

SPECIAL CIVIL APPLICATION No 7044 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT and
MR.JUSTICE D.C.SRIVASTAVA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

HAYAGRIV TEXTILE

INDUSTRIES LTD.

Versus

UNION OF INDIA

Appearance:

MR PARESH M DAVE for Petitioners

MR MUKESH R SHAH for Respondents

CORAM : MR.JUSTICE J.N.BHATT and
MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 13/12/1999

ORAL JUDGEMENT (Per J.N.Bhatt, J.)

Rule, service of which is waived by learned Addl.
Central Government Standing counsel Mr M.R.Shah for the

respondents. Upon joint request and with the consent, both the matters are taken up today for final hearing, simultaneously, as common question arising common order is involved.

Learned advocate for the petitioners has drawn our attention to the impugned stay order and contended that while giving direction for pre-deposit of the amount reasons are not given for the purpose of not exercising discretion for waiver of pre-deposit. He has also drawn our attention to several directions contained in several decisions of this Court and one of them is in Special Civil Application No.2332/99 decided on 5.4.99. Both these matters are directly covered by the said decision.

Consequently, the impugned orders are quashed and set aside with a direction to reconsider the stay application in the light of the relevant facts and circumstances and the written submissions that may be filed within a period of two weeks from today and pass appropriate order within a period of four weeks from the date of receipt of writ from this Court. Obviously, no further action shall be taken in pursuance of the stay orders which are being quashed by this Court till the decision is taken upon merits. Rule is made absolute accordingly in oth the petitions.

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